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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/647,728

08/25/2003

David D. Smith

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Law & Patent Department
200 Ballardvale Street
Wilmington, MA 01887-1069

EXAMINER

MILIA, MARK R

ART UNIT

PAPER NUMBER

2625

MAIL DATE

DELIVERY MODE

08/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/647,728

Applicant(s)

SMITH, DAVID D.

Examiner

Mark R. Milia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 17, 18, 20-24 and 27 is/are rejected.
- 7) ☒ Claim(s) 4-16, 19, 25 and 26 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/25/03 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/20/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: In Fig. 3, reference numeral **31** and in Fig. 6 reference numeral **415**.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "**114**" has been used to designate both "Output Device Drivers" and "Media Control" (see paragraphs 48 and 49 of the specification).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement

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drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Reference numeral **64**, which is mentioned on page 11, paragraph 37, line 3 of the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, 18, 22-24, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,999,070 to Jeyachandran et al.

Regarding claims 1 and 22, Jeyachandran disclose a method for minimizing performance degradation of an output manager status module, the method comprising:

(a) managing, by an output manager status module, image information of an image (see column 14 lines 28-47 and column 77 lines 1 –34), (b) receiving a notification that updated image information for the image is available (see column 15 lines 56-67, column 18 lines 8-24 and 45-48, column 25 line 64-column 26 line 3, and column 36 lines 51-54), (c) determining whether receipt of the updated image information will affect performance of the output manager status module (see column 21 lines 51-55, column 21 line 61-column 22 line 7, and column 29 lines 36-42), and (d) refraining from receiving the updated image information if, based on the determination, its receipt will affect the performance of the output manager status module (see column 2 lines 55-58 and column 22 lines 2-7).

Regarding claim 2, Jeyachandran further discloses wherein the managing step further comprises at least one of displaying the image information, managing printing operations, managing proofing operations, managing backup operations, and performing image operations (see column 14 lines 28-47, column 15 lines 41-43, and column 77 lines 1-34).

Regarding claims 18 and 24, Jeyachandran further discloses wherein the managing of image information further comprises managing information for a plurality of images grouped into a job (see Figs. 2, 4, 5, and 14A).

Regarding claim 23, Jeyachandran further discloses wherein the image further comprises a plurality of images (see Figs. 2, 4, 5, and 14A).

Regarding claim 27, Jeyachandran further discloses wherein the updated information refraining module refrains from querying the updated image information (see column 2 lines 55-58 and column 22 lines 2-7).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeyachandran in view of U.S. Patent No. 5,592,654 to Djakovic.

Regarding claim 20, Jeyachandran discloses a method for minimizing performance degradation of an output manager status module, the method comprising: (a) managing, on an output manager status module, image information of an image (see column 14 lines 28-47 and column 77 lines 1 –34) and (c) receiving updated image information for the image when the image is being changed less than a predetermined amount (see column 2 lines 55-58, column 21 lines 51-55, column 21 line 61-column 22 line 7, and column 29 lines 36-42).

Jeyachandran does not disclose expressly (b) continuously monitoring the image information to determine how frequent the image is being changed.

Djakovic discloses (b) continuously monitoring the image information to determine how frequent the image is being changed (see column 11 lines 36-53).

Jeyachandran & Djakovic are combinable because they are from the same field of endeavor, queue management.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the continuous monitoring of image change frequency, as described by Djakovic, with the system of Jeyachandran.

The suggestion/motivation for doing so would have been to reduce the load placed on a user and perform printing by employing appropriate printing parameters consistent with the processing objective.

Therefore, it would have been obvious to combine Djakovic with Jeyachandran to obtain the invention as specified in claim 20.

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Regarding claim 21, Djakovic further discloses wherein the receiving step further comprises transmitting a request to receive the updated image information (see column 11 lines 36-53).

8. Claims 3 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeyachandran as applied to claim 1 above, and further in view of Djakovic.

Regarding claim 3, Jeyachandran does not disclose expressly wherein the determining step further comprises determining an image activity status for the image.

Djakovic discloses wherein the determining step further comprises determining an image activity status for the image (see column 11 lines 36-53).

Regarding claim 17, Jeyachandran does not disclose expressly providing an indication of at least one of the image activity status and the image size status to a user.

Djakovic discloses providing an indication of at least one of the image activity status and the image size status to a user (see column 9 lines 18-62 and column 11 lines 36-53).

Jeyachandran & Djakovic are combinable because they are from the same field of endeavor, queue management.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the image activity status, as described by Djakovic, with the system of Jeyachandran.

The suggestion/motivation for doing so would have been to reduce the load placed on a user and perform printing by employing appropriate printing parameters consistent with the processing objective.

Therefore, it would have been obvious to combine Djakovic with Jeyachandran to obtain the invention as specified in claims 3 and 17.

Allowable Subject Matter

9. Claims 4-16, 19, and 25-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571) 272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler M. Lamb can be reached at (571) 272-7406. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MRM

Mark R. Milia
Examiner
Art Unit 2625



TWYLER LAMB
SUPERVISORY PATENT EXAMINER